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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,) No. CR 07-00544 JW
18 Plaintiff,) STIPULATION AND [PROPOSED]
19 v.) ORDER EXCLUDING TIME FROM
MIGUEL ANGEL MARTINEZ-) OCTOBER 1, 2007 TO OCTOBER 15,
MENDOZA,) 2007 FROM THE SPEEDY TRIAL ACT
Defendant.) CALCULATION (18 U.S.C. §
3161(h)(8)(A))

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21 The parties stipulate that the time between October 1, 2007 and October 15, 2007 is excluded
22 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested
23 continuance would unreasonably deny defense counsel reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the
25 ends of justice served by granting the requested continuance outweigh the best interest of the
26 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

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3 DATED: October 4, 2007

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5 SCOTT N. SCHOOLS
6 United States Attorney

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8 /s/
9 BENJAMIN T. KENNEDY
10 Assistant United States Attorney

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12 /s/
13 CYNTHIA LIE
14 Assistant Federal Public Defender

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between October 1, 2007 and October 15, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: October 10, 2007

JAMES WARE
UNITED STATES DISTRICT JUDGE